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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,711	10/14/2005	Marco Cantu'	07040.02.20.00000	8741

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

03/09/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,711

Applicant(s)

CANTU' ET AL.

Examiner

Geoffrey L. Knable

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-29 and 31-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29 and 31-39 is/are allowed.
- 6) ☒ Claim(s) 40-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 40-50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley et al. (US 1,394,928) taken in view of Caretta et al. (US 6,409,959) and Clinefelter et al. (US 1,407,839), and optionally further in view of Caretta (US 6,332,999).

These references are applied for substantially the same reasons as set forth in the last office action. Again, the apparatus claims do not structurally distinguish an apparatus that would have been obvious following the teachings of the references. Claim 40 as amended is in fact now even broader to the extent that it now defines that it is adapted to feed the fluids with pressures that can essentially be in *any* relative relationship (primary pressure "greater than, less than, or equal to the [secondary] pressure"). In any event, the claimed relative pressures that the apparatus is "adapted to" provide define *capabilities* of operation of the apparatus rather than defining any specific structural limitation that would distinguish the applied prior art (e.g. see MPEP 2114). In particular, it is again submitted that the ordinary artisan would have understood that the applied pressures in Midgley et al., as well as Caretta et al. '959 and Clinefelter et al., would or certainly should be controllable which would enable application of the pressures in any desired relationship, the apparatus claims simply requiring a *capability* for the secondary fluid pressure to be greater than (or even equal or less for claim 40 as amended) at least some primary fluid pressure, not actual operation of the apparatus in this manner - applicant has not convincingly argued

otherwise. Caretta '999 has been optionally further cited as additional evidence that the ordinary artisan would have understood that the applied pressure in a very similar tire vulcanization process (this reference being equivalent to the referenced EP application in the discussion at col. 2 of Caretta et al. '959) would or should be controllable (e.g. note reference to "gradually increasing pressure" at col. 7, lines 35-43). Note also that Midgley suggests use of valves "43" to control the steam. This rejection therefore is still deemed proper and will be maintained.

3. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley et al. (US 1,394,928) taken in view of Caretta et al. (US 6,409,959) and Clinefelter et al. (US 1,407,839) as applied above, and further in view of Kobayashi (US 6,350,402) as applied in the last office action.
4. Claims 27-29 and 31-39 are allowed for the reasons already of record.
5. Applicant's arguments filed 10/23/2009 have been fully considered but they are not persuasive.

Applicant argues that the prior art does not teach the claimed apparatus and apparently especially the feeding device to apply the secondary fluid to the outside of the tire. Again, however, Midgley teaches providing in the apparatus a capability for applying fluid under pressure against an outer surface of the tire by a fluid under pressure (esp. page 2, lines 35-38; page 5, lines 37-41; fig. 10), a feeding device for external fluid pressure therefore being taught. Further, as clearly set forth at page 2, lines 22-38 and page 5, lines 31-41, the mold sections are separated from one another and thus the outside of the tire is subject to the compressed air pressure. Such

pressure would further have been understood to have been required to press against the outer surface of the tire if the expansion of the entrapped gases within the tire is to be prevented (as desired by Midgley).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
March 5, 2010